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SUBJECT: JORDAN: POST FIGHTS FOR BAHAI BIRTH CERTIFICATE,
HIGHLIGHTS LIMIT OF RELIGIOUS FREEDOM IN JORDAN

11. (SBU) Summary: The approximately 1,000 Baha'i in Jordan face several forms of official discrimination, including the non-recognition of their faith and assembly, inability to register schools and places of worship, and difficulties in obtaining official documentation. One of the Baha'is immediate concerns has been securing a birth certificate for a six-year-old Baha' girl unable to attend school without one. Post, using it as a test case, actively engaged the Ministry of Interior's Civil Status Department and other government officials in an attempt to obtain the certificate. A conversion from Islam to Bah'i by the girl's maternal grandfather in the 1970s and a subsequent fatwa by the Grand Mufti declaring the conversion invalid is at the heart of the problem. The Civil Status Department states that Shari'a law and the fatwa mandates that the family's documents must indicate that they are Muslims. The Baha'i do not accept this decision. Post and the Baha'i have yet to secure a birth certificate for the girl but did secure her enrollment in school based on a letter from the Ministry of Interior to education officials. Post will continue to advocate for full religious freedom for Baha'is' and is also pressing for religion to be removed from the national identification card. End Summary.

The Baha'i and Their Problems

12. (SBU) The small Baha'i community in Jordan, estimated to be approximately one thousand, continue to face several forms of official discrimination. The Baha'i faith and its representative assembly are not recognized by the government and they are unable to officially register either schools or places of worship. The Baha'i have registered two cemeteries but one cemetery continues to be registered in the name of the Ministry of Awqaf and Islamic Affairs. The Baha'i community also does not have a recognized court to adjudicate personal status matters, like those for recognized Christian denominations. Such cases must be heard in Shari'a courts. Since the Baha'i Assembly is not a recognized court, the Civil Status Department does not recognize marriages conducted by them but does issue passports on the basis of these marriages. This fact has compounded problems in obtaining birth certificates for some Baha'i children. For instance, the Baha'i are unable to obtain birth certificates when one Baha'i parent is registered inaccurately as a Muslim or when a parent or grandparent convert from Islam to Baha'i.

The Test Case: A Child's Birth Certificate

13. (SBU) In late 2008, Poloffs discussed with the Baha'i Assembly priority religious freedom concerns in their community and possible ways that Post could assist in solving those concerns. Difficulties with obtaining birth certificates for some members of the community was listed as a top priority. The Assembly was especially concerned about a six-year-old girl, Rifqa, who is unable to attend school due to a lack of proper documentation. Post agreed to advocate on the child's behalf and use it as a test case for

future engagement.

¶4. (SBU) Rifqa's troubles are primarily derived from her now deceased maternal grandfather's conversion from Islam to Baha'i in the 1970s. The grandfather, Subhi Mishbah Al-Tamimi, came from a large, influential tribal family that reportedly was strongly against the conversion. Initially the Civil Status Department changed Al-Tamimi's family book from Islam to Baha'i shortly after the conversion but the decision was later reversed after Jordan's Grand Mufti issued a fatwa stating that Al-Tamimi's conversion was illegal. (Note: All immediate families in Jordan are issued a family book that lists details, including religion, for each family member. The books are often needed, in conjunction with individual national identification cards, to conduct business with government entities. End Note)

¶5. (SBU) As a result of the fatwa and the Al-Tamimi family book being changed back to Islam, Rifqa's mother, Parveen, is also considered a Muslim (despite being raised as a Baha'i). Rifqa's father, Inayat, became a Jordanian citizen in the 1970s and is at least several generation Baha'i. Parveen and Inayat were married by the Baha'i Assembly in 2002 but their marriage was never officially accepted by the Civil Status Department because it was deemed an "illegal inter-faith marriage." A Muslim woman, which the Department still considers Parveen, is unable to marry a man of a different religion. (Note: Even a Muslim man is unable to marry a Baha'i woman, unless she converts to Islam, as Baha'i is not one of the religions recognized by the government - Islam, Christianity, Judaism. End Note)

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¶6. (SBU) After Rifqa's birth, the Baha'i were given two options in order to obtain a birth certificate. The first option was for Parveen and Inayat to undertake a Islamic wedding, obtain a Muslim-designated marriage certificate, and then request a Muslim-designated birth certificate for Rifqa. The second option was dropping Inayat from the birth certificate, which would make Rifqa an illegitimate child and her birth certificate would still read Muslim. The Baha'i refused both options.

Engaging the Department of Civil Status

¶7. (SBU) On July 6, Poloffs met with the Director of the Civil Status Department and its Chief Legal Adviser to discuss a number of issues and to specifically raise Rifqa's case. The Director outlined how Shari'a law must be followed when issuing marriage and birth certificates. For instance, he stated a marriage between a Christian man and a Muslim woman could not be certified but the reverse situation could be. The Director stated, however, that he personally has made exceptions to Shari'a rules for "humanitarian reasons." The Director promised to personally look into Rifqa's case and try to find a possible solution. (Note: The Legal Adviser took a hard-line stance throughout the meeting, despite the conciliatory sentiments of the Director, and, at one point, kept strongly stating that "conversion is forbidden." End Note).

Unacceptable Solutions

¶8. (SBU) On August 6, the Baha'i Assembly informed Poloffs that numerous follow-up meetings with the Department were not fruitful and that an impasse had been reached. They were again offered solutions that still centered on Inayat and Parveen marrying as Muslims and obtaining a Muslim-designated birth certificate for Rifqa. This time though, they were advised that Inayat could initiate a case in Shari'a court to renounce Islam and announce his conversion to Baha'i (even though he is already Baha'i). If the Shari'a court approved the conversion, then the Department would change all

documents to dashes. (Note: Religion is listed on national identification cards. The three recognized religions - Judaism, Islam, and Christianity - are the only options. The Baha'i are allowed to use dashes in place of one of the recognized religions. End Note).

Temporary Assistance

¶9. (SBU) Poloffs met the Director and Legal Adviser on August 16 to explain that the proposed solution was unacceptable as Shari'a courts have decided to strip a convert of his/her personal rights in every known conversion ruling. For instance, converts have been forcibly divorced, parental rights taken away, and inheritance stripped. The Director seemed to understand but stated the Grand Mufti's fatwa had tied his hands and made it impossible for any exception on humanitarian grounds. As such, the only real option to obtain Baha'i documentation was through the Shari'a court. (Note: Any member of society can file an "apostacy" or conversion case in Shari'a court against any citizen. End Note)

¶10. (SBU) The Director agreed to write a letter to the Ministry of Education stating that Rifqa should be granted access to school while her situation is unresolved. The Baha'i Assembly informed Post on August 26 that Rifqa had been enrolled in school based on the letter. It is unclear, however, whether the letter will enable access in future school years.

Comment

¶11. (SBU) Comment: The Baha'i Assembly tries to maintain a positive and proactive relationship with government authorities, which has born fruit in past years. For instance, the Ministry of Interior agreed in the late 1990s to issue travel documents and birth certificates based on marriages conducted by the Baha'i Assembly. For this system to work properly, everything must be "aligned" properly and many problems remain. Post has found a varying degree of open-mindedness to Baha'i issues in the government but even those wanting to assist are often bound to the confines of Shari'a law. Post will continue to find a permanent solution for Rifqa and will use lessons learned from this case to push for full religious freedom for the Baha'i. Post is also pressing for religion to be dropped from the national ID card

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and has been assured of progress in this regard. This change should end some forms of societal discrimination. End Comment.
Beecroft